

first and second ends, the case being openable at the first end and closed at the second end. Basis for this language is found on page 3, line 16 to page 4, line 23 of the specification and in the drawings.

Claim 1 has been further amended to recite that the case is located inwardly of the first end of the sheet and between the first and second longitudinal edges of the sheet. Basis for this language is found on page 3, line 16 to page 4, lines 23 of the specification and in the drawings, particularly FIGS. 1 and 3.

Claim 1 now recites that the openable first end of the case faces one of the longitudinal edges of the sheet. Basis for this language is inherently found in FIGS. 1 and 3 of the drawings.

New claim 10 is dependent from claim 1 and recites that the combination of claim 1 includes a flap extending from the rear wall of the case adjacent the openable first end thereof, the flap adapted to be secured to the front wall of the case by fastener means. Basis for this language is found on page 4, lines 5-10 of the specification and in the drawings, particularly FIG. 5.

New claim 11 is an independent claim which includes all of the elements of amended claim 1 together with elements of original claims 2 and 4. Claim 11 recites additional structure of the flexible case, basis for which is found on page 3, line 16 to page 4, line 23 and in the drawings.

New claim 12 is dependent from claim 11 and includes the additional element of original claim 3.

New claim 13 is dependent from claim 11 and includes the

additional element of original claim 7.

New claim 14 is dependent from claim 11 and tracks new claim 10.

B. Rejections under 35 U.S.C. 102:

The Examiner rejected originally submitted claims 1, 2, 7 and 8 under 35 U.S.C. 102(b) as being anticipated by Wade (U.S. Patent Des. 359,411). Independent claim 1 has been amended, and the relevance of the Wade reference will be discussed relative to amended claim 1, claims 2, 7 and 8 being dependent from amended claim 1.

In order to be a valid rejection under 35 U.S.C. 102(b), the cited reference must disclose each and every element contained in the rejected claims. See MPEP, section 706.02.

Since Wade is a design patent and the drawings do not contain reference numbers, Applicants have attached hereto as Exhibit C a copy of sheet 2 of Wade (containing FIGS. 3-5) marked with reference numbers in order to be able to more clearly point out various features of Wade to the Examiner.

Wade does not disclose any of the following elements of amended claim 1:

1. The "flexible sheet" (lounge chair cover) 10 of Wade is not clearly described as being attached to the inner surface of his "flexible case" (tote bag) 20. It appears that sheet 10 is attached to case 20 by means of face cloth 30. Since Wade does not clearly teach attaching her sheet to the inner surface of her

flexible case it is improper to state that she does so.

2. Wade's case 20 is not attached to sheet 10 "inwardly of said first end of said sheet between said first and second longitudinal edges of said sheet". Wades's case 20 is located at the end 12 of sheet 10.

3. Wade's case 20 does not have an openable first end "facing one of said longitudinal edges of said sheet". The openable end 22 of Wade faces end 12 of sheet 10, not longitudinal edge 14 or 16.

4. Wade's case 20 is not adapted "to receive a pillow when said sheet is deployed outside said case". Wade's case 20 hangs down over the back of a lounge chair when sheet 10 is deployed outside case 20, as shown in FIG. 1. One would not put a pillow in Wade's case 20 since it would not provide contact with a user's head. Therefore, Wade's case 20 is not "adapted" to receive a pillow since it would be a useless act to put a pillow therein. Wade discloses no other use for his device other than as a lounge chair cover deployed as shown in FIG. 1.

Since claims 2, 7 and 8 are dependent from amended claim 1, the foregoing differences between claim 1 and Wade also apply to claims 2, 7 and 8.

Newly submitted independent claim 11 and claims 12-14 dependent therefrom contain all of the elements recited in amended claim 1 and, therefore, all of the differences between amended claim 1 and Wade discussed above apply equally to claim 11.

C. Rejections under 35 U.S.C. 103:

The Examiner rejected claims 2 and 3 under 35 U.S.C. 103(a) as being unpatentable over Wade in view of Silvestri (U.S. Patent 4,273,380).

Silvestri was applied by the Examiner because of its alleged teaching of a slip cover pocket. However, Silvestri does not supply any of the four deficiencies of Wade discussed above relative to claim 1. Therefore, since claims 2 and 3 contain all of the elements of claim 1, the rejection of claims 2 and 3 should be withdrawn.

The Examiner rejected claims 4 and 5 under 35 U.S.C. 103(a) as being unpatentable over Wade. However, Wade does not describe the four differences discussed above relative to claim 1, and since claims 4 and 5 contain all of the elements of claim 1, the rejection of claims 4 and 5 should be withdrawn.

The Examiner rejected claim 6 under 35 U.S.C. 103 (a) as being unpatentable over Wade in view of Buhot et al, Hunt or Battistella. The secondary references were applied by the Examiner for their alleged teachings of pockets located inwardly of the longitudinal edges. However, none of these secondary references supply any of the four deficiencies of Wade discussed above relative to claim 1. Therefore, since claim 6 contains all of the elements of claim 1, the rejection of claim 6 should be withdrawn.

The Examiner rejected claim 9 under 35 U.S.C. 103(a) as being unpatentable over Wade in view of Terrazas (U.S. Patent 5,414,881). Terrazas was applied by the Examiner for its teaching of a

waterproof sheet. However, Terrazas does not supply any of the four deficiencies of Wade discussed above relative to claim 1. Therefore, since claim 9 contains all of the elements of claim 1, the rejection of claim 9 should be withdrawn.

Newly submitted claim 10 is dependent on amended claim 1, and since claim 1 is believed to be patentable over Wade because of the four differences discussed above, claim 10 is submitted to likewise be patentable over Wade. As also discussed above, none of the secondary references, either alone or in combination, supply these four deficiencies.

Newly submitted independent claim 11 contains all of the elements recited in amended claim 1 and, therefore, the four differences between amended claim 1 and Wade discussed above apply equally to claim 11, and claim 11 is submitted to be patentable over Wade. As also discussed above, none of the secondary references, either alone or in combination, supply these four deficiencies.

Newly submitted claims 12-14 are all dependent upon claim 11, and are patentable over Wade and the secondary references for the reasons discussed relative to claim 11.

D. Conclusion:

In view of the present amendments and for the reasons given above, it is submitted that all of the claims in the application are in condition for allowance and the issuance of a Notice of Allowance is requested.

Respectfully submitted,

  
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EXHIBIT A

Clean copy of amended claim 1, and new claims 10-14:

1. (amended) A combination of a flexible sheet usable as a towel or blanket and a carrying case integral with said flexible sheet comprising:

a flexible, rectangular sheet having first and second ends and first and second longitudinal edges; and

a flexible case having first and second ends, said case being openable at said first end and closed at said second end, said case having an outer surface and an inner surface, a portion of said inner surface of said case being attached to said sheet inwardly of said first end of said sheet and between said first and second longitudinal edges of said sheet, said openable first end of said case facing one of said longitudinal edges of said sheet, said case being adapted to permit said sheet to be stuffed inside said case for transport and storage and to receive a pillow when said sheet is deployed outside said case and said case is reversed.

10. (new) The combination of claim 1 including a flap extending from said rear wall adjacent said open first end of said case, [said flap adapted to be secured to said front wall of said case by fastener means when said sheet is stuffed inside said case for transport and storage.]

11. (new) A combination of a flexible sheet usable as a towel or

blanket and a carrying case integral with said flexible sheet comprising:

a flexible, rectangular sheet having first and second ends and first and second longitudinal edges; and

a flexible case having first and second ends, said case being openable at said first end and closed at said second end, said case having front and rear walls, side walls, and a bottom wall, each of said walls having an outer surface and an inner surface, a portion of said inner surface of said rear wall of said case being attached to said sheet inwardly of said first end of said sheet and between said first and second longitudinal edges of said sheet, said openable first end of said case facing one of said longitudinal edges of said sheet, said case being adapted to permit said sheet to be stuffed inside said case for transport and storage and to receive a pillow when said sheet is deployed outside said case and said case is reversed;

a slip cover pocket located at said first end of said sheet, said slip cover being configured to be placed over that end of a lounge chair adapted to receive a user's torso; and

at least one pocket located adjacent at least one of said longitudinal edges of said sheet.

12. (new) The combination of claim 11 including a second slip cover pocket located at said second end of said sheet, said second slip cover pocket being configured to be placed over the other end of said lounge chair.

13. (new) The combination of claim 11 including carrying means attached to said case adjacent said open end.

14. (new) The combination of claim 11 including a flap extending from said rear wall adjacent said open first end of said case, said flap adapted to be secured to said front wall of said case by fastener means when said sheet is stuffed inside said case for transport and storage.



EXHIBIT B

Amended claim 1, ~~referred~~ to show changes:

1. (amended) A combination of a flexible sheet usable as a towel or blanket and a carrying case integral with said flexible sheet comprising:

a flexible, rectangular sheet having first and second ends and first and second longitudinal edges; and

a flexible case having first and second ends, said case being openable at [one] said first end and closed at said second end, said case having an outer surface and an inner surface, a portion of said inner surface of said case being attached to said sheet [in the top portion] inwardly of said first end of said sheet and between said first and second longitudinal edges of said sheet, said openable first end of said case facing one of said longitudinal edges of said sheet, said case being adapted to permit said sheet to be stuffed inside said case for transport and storage and to receive a pillow when said sheet is deployed outside said case and said case is reversed.

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